

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DAVID STEBBINS,)
Plaintiff,)
v.)
RELIABLE HEAT & AIR, LLC, et al.,)
And)
RANDAL RICHARDSON, et al.)
Defendants.)
Case No. 10-3305-CV-S-RED

MOTION FOR CLARIFICATION OF ORDER

Comes now Plaintiff David Stebbins, who respectfully submits the following motion for you to clarify your order.

You denied my motion to confirm the arbitration award, but gave no details in support of it. All you did was say that the contract is “not recognized” by the law, and that the parties “simply did not agree to arbitrate.” But, on what legal authorities do you base that conclusion?

It seems that you are doing exactly what I asked you *not* to do in my original motion.

"I think you will be hard-pressed to find a single real counter-argument against this, other than simply saying 'No no no! This doesn't count,' and just leave it at that."

"My offer still stands for either the court or the defense to pull some kind of miracle law out of their butt that might actually refute this claim, but please do not just say "Um, no, this won't work," and expect me to leave it at that. I am willing to take no for an answer, but I am not willing to take "No, just because" for an answer."

Is that really too much to ask? Why is that so unreasonable? I am perfectly content taking it up on appeal, but how am I supposed to attack the credibility of your decision if you give me absolutely *nothing* to go on? Even if it is simply "I agree with the Defendants'

suggestion in opposition,” at least that would give me a starting point. However, as of right now, what am I supposed to tell the Court of Appeals? Are you finding that the acceptance method is impossible to avoid, and thus the standard of review is “for clear error,” or are you finding that, although the acceptance method was easy to avoid, it is insufficient as a matter of law? If it was the latter, on what legal authority do you base that claim?

Your order is far too cryptic for me to draft any sort of counter-argument on appeal. In appeal, I am supposed to pinpoint where you erred, but how am I supposed to do that if you won't *tell me*?

Your Honor, please clarify your order, so that I will have a better foundation with which to draft an appeal.

It is so requested, on this 28th day of April, 2011.

David Stebbins


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